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Description of the Invention

Applicant's invention relates to materials having a decorative or artistic appearance having two or more layers each having a principal color, where the observed color of at least one light transmitting layer, when viewed along said edge, appears different than its principal color.

REMARKS

Claims 1-30 are pending, and stand finally rejected.

Claim 31 has been cancelled.

New claim 32 has been added, supported disclosure on page 6, lines 3-5 of the original specification.

RESPONSE TO THE EXAMINER'S RESPONSE TO APPLICANT'S ARGUMENTS

The difference between the Examiner's and Applicant's contentions center on what is an "edge", and whether the teaching of the Oshima reference includes viewing through an edge. Applicant claims an article comprising 2 or more layers. As shown in Figures 1 and 2, and described in [0029] and [0030] the edge is distinguished from the surface of the object. A flat multi-layer sheet (Figures) would have 2 large surfaces (front and back) and 4 thin edges.

The Examiner states in the Advisory Action that "Oshima teaches the color tone or colors vary with the angle of observation (column 1, lines 35-60) which Examiner interprets as being varied along its surface and/or edge, depending on the angle of observation the viewer chooses." Applicant takes this to mean that Applicant and Examiner would agree to defining surface as the large (front/back) areas, and edge as the thin sides – as would match a dictionary definition. Applicant also strongly disagrees that the teaching of Oshima is to a view along either a surface of an edge – but instead absolutely requires viewing along a surface and through to the opposite surface. The Oshima reference does not teach or suggest viewing along an edge, cannot work if viewed along an edge, and teaches away from any edge view.

In the Oshima reference, the invention is of "striped patterns provided on the front and rear surfaces are observed in positional relation which varies with the angle of

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observation through the thickness of the sheet body.” Column 1, lines 41-44. This statement teaches two times that the observation must be made from the front surface to the back surface – which cannot possibly include an edge view.

- a) “The striped patterns on the front and rear surfaces are observed in positional relation”. The only way one can view patterns on both the front and rear surfaces at the same time is by an optical path starting on one surface, through the thickness of the sheet, and out the opposing surface. This optical path description cannot possibly start by viewing on an optical pathway that starts through an edge.
- b) “angle of observation through the thickness of the sheet body.” This statement again shows that the observation is made through the thickness (surface to surface at any angle) of the sheet. This precludes observation along an edge, as required by Applicant.

Applicant notes that an observer in both the Oshima reference and the present invention could be standing in the identical spot at an angle to the sheet. However, an observer practicing the Oshima teaching would have a line-of sight view entering a surface of the sheet, and seeing through to the opposite surface; while an observer of the article of Applicant’s invention would have a line-of-sight view that would enter the edge of the sheet.

35 U.S.C. §102

Claims 1-8, 12-13, 18-19, 21, and 27 stand rejected under 35 U.S.C. 102(b) as being anticipated by Oshima et al (US 6,103,345). As described above, the Oshima reference teaches and requires a surface-to-surface view, while Applicant claims an article having an optical effect seen on an edge-view. Since the Oshima reference fails to teach an edge-view, it does not teach all of Applicant’s claim elements and therefore fails to present a *prima facie* case of anticipation.

35 U.S.C. §103

Claims 9-11, 14-17, 20 and 22-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Oshima et al (US 6,103,345) in view of Lecoeur et al (US 3,940,523). The references fail to teach or suggest all of Applicant’s claim elements, thus no *prima facie* case of obviousness is presented. Specifically, the references fail to teach or

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suggest an article comprising two or more layers having a principal color, that when viewed along an exposed light transmitting edge appears different than its principal color.

First there is no motivation to combine the two references. The Oshima reference is to a single layer with stripes on one or both sides, while the Lecoecur reference contains at least 5 layers. There is no motivation to combine references teaching such a disparate number of layers, and indeed such a modification of a single layer by a 5-layer structure would render the prior art unsatisfactory for its intended use (MPEP 2143).

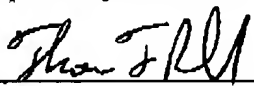
More importantly, the cited references describe only effects related to the faces of a sheet – not to the edge effect, and claimed by Applicant. Moreover, there is no teaching or suggestion in either reference of Applicant's claimed effect of each layer having a principal color, and the article, when viewed from the edge appears different than its principal color.

Since neither reference alone or combined (though there is no motivation to combine) teach or suggest the decorative or artistic appearance claimed by Applicant: an edge effect in which the edge appears different than the principal color of the layers of the article.

Conclusion

The references cited, either alone or in combination, fail to teach or suggest all of Applicant's claim elements and claim limitations, and therefore fail to present a *prima facie* case of anticipation or obviousness over Applicant's claims. For the above reasons the present claims are believed by the Applicant to be novel and unobvious over the prior art, thus the claims herein should be allowable to the Applicant. Accordingly, reconsideration and allowance are requested.

Respectfully submitted,



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